

REMARKS

Claims 2-3, 17, and 20-21 have been cancelled. Claims 10 and 16 have been amended to clarify the subject matter regarded as the invention. Claims 1, 4-16, 18-19, and 22 are pending.

Claim Rejections – 35 U.S.C. §112

Claims 10 and 16 have been amended in a manner that is believed to overcome the rejections under 35 U.S.C. §112.

Claim Rejections – 35 U.S.C. §103(a)

In the previous Office Action (mailed December 22, 2009), the Examiner rejected independent Claims 1, 18, and 22 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli, U.S. Patent No. 5,758,328, in view of Walker, U.S. Patent No. 5,794,207, in view of Fedor, U.S. Patent No. 6,785,660, and further in view of Sheth et al., U.S. Patent No. 7,069,242.

In the current Office Action (mailed October 6, 2010), the Examiner has rejected independent Claims 1, 18, and 22 under 35 U.S.C. §102(b) as being unpatentable over Giovannoli, only. Applicants note that in the discussion of the present rejection under 35 U.S.C. §102(b) (see pages 4-6), the Examiner does not address the last two elements of Claim 1 (the “conducting” and “automatically selecting” elements).

Applicants respectfully submit that the Examiner has not made out a prima facie rejection of independent Claims 1, 18, or 22 under 35 U.S.C. §102(b) as the Examiner has not provided an explanation of where Giovannoli the “conducting” and “automatically selecting” elements may be found.

Regarding the following limitation recited in Claim 1 “querying, using a processor, a database of information representing the capabilities of suppliers to deliver goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request”:

On Pages 3-4 of the Office Action, the Examiner states the following:

The Applicant argues that the prior art does not teach the limitation found in claim 1, which states "a database of information representing the capabilities of suppliers to delivery goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request". The Applicant specifically highlights, the "capabilities" of the vendors on page 7, as not being taught by Giovannoli. The Examiner disagrees. Specifically, what the exact 'capabilities' are is not defined by the specification (see page 5, lines 10-15; page 10, lines 15-20; and page 11, lines 5-10). The Examiner will interpret this limitation to mean that the vendor has the capability to deliver the goods or services to the buyer. The Examiner cites Giovannoli (US Patent 5,758,328) fig. 2A, 4th block and fig. 5 "Qualifying Vendors".

Claim 1 recites a specific capability of a supplier, namely, the capability "of suppliers to **deliver goods and services to geographic areas.**" This particular capability is recited in the Specification, without limitation at 5:9-10.

Regarding Figures 2A and Figure 5 of Giovannoli: Applicants are unable to locate in either figure a mention of "the capabilities of suppliers to deliver goods and services to geographic areas" as recited in Claim 1. Applicants are thus also unable to locate in either figure a mention of "querying ... a database of information representing the capabilities of suppliers to deliver goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request." Accordingly, Claim 1 is believed to be allowable.

Claims 18 and 22 recite limitations similar to Claim 1 and are therefore also believed to be allowable. Claims 4-16 and 19 depend, either directly or indirectly, from one of the aforementioned independent claims and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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